

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRIS JOHN BEVERAGE CORP. and	:	
CHRISTOPHER CHAPMAN,	:	
	:	
Plaintiffs,	:	Civil Action No. 21-cv-06233 (JLR)
	:	
- against -	:	
	:	
	:	<u>PROPOSED ORDER</u>
	:	
PEPSI-COLA BOTTLING COMPANY OF NEW	:	
YORK, INC.,	:	
	:	
	:	
Defendant.	:	
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WHEREAS, by Order dated August 5, 2021 (Docket No. 21), this Court directed that the dispute between Plaintiffs Chris John Beverage Corp. and Christopher Chapman (collectively, “Plaintiffs”) and Defendant Pepsi-Cola Bottling Company of New York, Inc. (“Defendant” or “PCNY”) be resolved via arbitration, and issued certain preliminary injunctive relief (the “Injunction”) under which the parties have since been operating, with said Injunction to expire ten (10) days after issuance of a decision by the arbitrator resolving the parties’ dispute; and

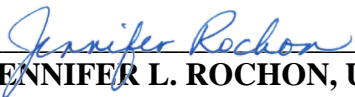
WHEREAS, by letter dated February 13, 2023 (Docket No. 28), the parties notified the Court that, on February 5, 2023, Arbitrator Jay Nadelbach issued his Award and Opinion finding that Plaintiffs breached their Distributor Agreement and, *inter alia*, sustaining the decision of Defendant to terminate Plaintiffs’ distributorship;

NOW, upon PCNY’s submission, and pursuant to the Court’s February 14, 2023 text Order (Docket No. 29), IT IS HEREBY ORDERED that:

(a) The Injunction issued by the Court on August 5, 2021 is hereby vacated and dissolved, and of no further effect; and

(b) Plaintiffs' Complaint, removed to this Court on July 21, 2021 (Docket No. 1), be, and hereby is, dismissed with prejudice.

Dated: March 15, 2023



HON. JENNIFER L. ROCHON, U.S.D.J.